

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSEPH OLLIE,)
Petitioner,)
vs.) Civil Action No. 13-83 Erie
MICHAEL PUGH ET AL.,)
Respondent.)

MEMORANDUM ORDER

On March 3, 2013, Petitioner Joseph Ollie filed a Petition for Writ of Habeas Corpus brought pursuant to 28 U.S.C. §2241 (“the Petition”).

On June 14, 2013, Magistrate Judge Baxter issued a Report and Recommendation [ECF #2] wherein she “recommended that the petition be summarily dismissed without service.” Report and Recommendation, p. 1. The basis for the recommendation was that while the Petition had not yet been served, it should be dismissed by the Court because it plainly appears on its face that Petitioner is not entitled to relief in habeas. Id. (citing 28 U.S.C. § 2243 and Rule 4 of the Rules Governing Section 2254 Cases (which is applicable to § 2241 cases)).

Objections to the Report and Recommendation were due from the Petitioner no later than July 1, 2013. To date, no objections have been filed.

Rule 72(b)(3) of the Federal Rules of Civil Procedure provides: “The district judge must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Id.

Accordingly, after de novo review of the pleadings and documents in the case, together with the June 14, 2013 Report and Recommendation from Magistrate Judge Baxter, the following Order is entered:

AND NOW, this 15th day of July, 2013, it is HEREBY ORDERED, ADJUDGED AND DECREED that the Report and Recommendations of Magistrate Judge Baxter [ECF #2], dated June 14, 2013, is adopted as the Opinion of the Court.

It is further hereby ORDERED, ADJUDGED, AND DECREED that Petitioner Joseph Ollie's Petition for Writ of Habeas Corpus [ECF #1] is summarily DISMISSED because it plainly appears on its face that Petitioner is not entitled to relief in habeas.

The Clerk of Court shall mark this case CLOSED.


Maurice B. Cohill, Jr.
Senior District Court Judge